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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,162	11/10/2000	Richard M. Onyon	FUSN 1-01008US0	4588
28554 7590 03/19/2007 VIERRA MAGEN MARCUS & DENIRO LLP 575 MARKET STREET SUITE 2500 SAN FRANCISCO, CA 94105			EXAMINER PATEL, HARESH N	
			ART UNIT 2154	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/710,162

Applicant(s)

ONYON ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-10,27-31 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-10,27-31 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/11/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-4, 6-10, 27-31 and 38 are subject to examination. Claims 5, 11-26 and 32-37 are cancelled.

Response to Arguments

2. Applicant's arguments filed 2/26/2007, pages 5-9, have been fully considered but they are not persuasive. Therefore, rejection of the claims is maintained.

Applicant states (1), "...because the *patent* teaches all the limitations as disclosed...", contain "patent" for the double patenting rejection and hence the double patenting rejection is not proper in the office action dated 8/24/2006.

For clarification, the examiner acknowledges the typo error and that the "patent" should be "the claimed subject matter of the claims of the patent", as it was indeed followed in the office action 8/24/2006, after the statements that clearly mentioned and relied upon "the claimed subject matter of the *claims*" of the patent, i.e., "Claims 1-3, 8-10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over *claims* 2, 4, 5, 7, 8, 10, 14, 15, 23, 25, 28, 32, 34, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 54, 56, 58, 60, 66, 68 and 69 of Multer et al, Fusionone Inc., U.S. Patent No. 6,694,336 (Note: These claims also include the claimed subject matter of the claims to which they respectively depend upon). Since, the office action contained, "Claims 1-3, 8-10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over *claims* ...", the applicant's concern whether the obviousness-type double patenting rejection is based on the patent or the claims is addressed, which supports the applicant to consider filing a terminal

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disclosure to overcome the double patenting, consistent with the applicant's statement, "After consideration of this response, in the event that this obviousness-type double patenting rejection is the sole remaining rejection, applicants would consider anew whether to file a terminal disclaimer".

Applicant argues (2), the rejection of the previous office action do not disclose or suggest the claimed, "generate difference information by comparing the data with a copy of the data", "determine differences between media data and a copy of the media data".

The examiner respectfully disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies, "generate difference information by comparing the data with a copy of the data", "determine differences between media data and a copy of the media data", are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The First inquiry must be into exactly what the claims define. See *In re Wilder*, 166 USPQ 545, 548 (CCPA 1970). First the teachings of the Tsai reference are not limited as concluded by the applicant. Second, what is claimed is, "obtaining difference information comprising differences between a representation of at least a portion of the media data and a representation of a copy of at least a portion of the media data from a prior point in time", please see the claimed subject matter of the claims. The claimed subject matter also does not contain any reference for the claimed "a prior point in time. Tsai-Yodlee discloses a method for transferring data to a network

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coupled apparatus (synchronizing data between client and server, col., 3, lines 44 – 54, sending of difference information over the network, col., 4, lines 23 – 26, usage of device connected to the network, col., 4, lines 34 – 36, data-sync process, col., 4, line 65), comprising: maintaining a personal information space (retaining of data sources for serving data that is held for use specific information including bank account information, securities trading information, e-mail, etc, col., 5, lines 53 – 64, support for personal digital assistant, col., 6, lines 26 – 31, personal information located on a network supported by companies like Yahoo, col., 1, lines 50 – 59, col., 14, lines 16 – 19, individual information, col., 7, lines 34 – 41, usage of repository for individual subscriber, col., 8, lines 3 – 9, which is similar to the personal information space of lines 14-18 at page 2 of the specification of the application under prosecution) identified with a user including data (user operating PDA for the data, col., 6, lines 32 – 35, user specific information using personal digital assistant, col., 1, lines 56 – 62, col., 12, lines 44 – 48, usage of internet capable appliances by a user, col., 8, lines 31 – 43), the personal information store being coupled to a network (the data sources connected to the network, col., 4, lines 23 – 26, col., 4, lines 34 – 36, col., 1, lines 51 – 59), obtaining (data gathering, col., 6, lines 55 – 61) difference information (comparing first table referencing data records of the client with second table referencing updates for new records, col., 3, lines 47-58, 65-67) comprising differences (new records that are not at the client, col., 4, lines 20 – 26, updated table, col., 3, lines 65 – 67, difference in the tables, col., 4, lines 20 – 26) between a representation of the data (second table referencing updates for new records not present at the client, col., 3, lines 47-58, 65-67) and a representation of a copy of the data from a prior point in time (a copy of the first table referencing data records of the client that that does not contain updates, col., 3, lines 47-58, 65-67, usage of time and date stamping for determining

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new data records compared to the old data records, col., 3, lines 14 - 19); and transferring the difference information (sending new records that are not at the client, col., 4, lines 20 - 26, sending updated table, col., 3, lines 65 - 67, notification of difference in the tables to the client, col., 4, lines 20 - 26) from the personal information space (from data sources serving data, col., 5, lines 53 - 64, from personal information located on a network supported by companies like Yahoo, col., 1, lines 50 - 59, col., 14, lines 16 - 19, col., 7, lines 34 - 41) to the network coupled apparatus (client, col., 3, lines 44 - 54, over the network, col., 4, lines 23 - 26, device connected to the network, col., 4, lines 34 - 36, col., 4, line 65) in response to a user request (client request, col., 3, line 67 - col., 4, lines 6). Tsai-Yodlee also discloses usage of integrated services digital network (ISDN) line col., 6, line 10, usage of Internet col., 5, line 41, and usage of WAN, col., 5, line 45. Lipscomb-Zapmedia discloses a concept of using media data (usage of digital media assets col., 12, lines 45 - 61, usage of synchronization of information, sending of updates, users virtual account, col., 10, lines 8 - 40, usage of automatic synchronization of the contents, col., 13, lines 2 - 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tsai-Yodlee with the teachings of Lipscomb-Zapmedia in order to facilitate usage of the media data because the media data would provide support for representing audio information, video information or image information. The represented media data would be used for synchronization among devices over a network. The synchronized media data would be available for a user accessing a device over the network.

The specification of this application under prosecution also states at page 32, "The many features and advantages of the present invention will be apparent to one of average skill in the art. All such features and advantages are intended to be within the scope of the invention as

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defined by the above specification and the following claims”. Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

Applicant states (3), the cited arts do not disclose the newly provided limitations of the amended claim 27.

The examiner respectfully disagrees in response to applicant's arguments.

The newly provided limitations of the amended claim 27 is addressed by the new ground(s) of rejection (please refer to the below rejections of this office action), necessitated by the applicant's amendment to the claim that alter the scope of the invention. Therefore, the rejection is maintained.

Double Patenting

3. Applicant's acknowledgement i.e., “After consideration of this response, in the event that this obviousness-type double patenting rejection is the sole remaining rejection, applicants would consider anew whether to file a terminal disclaimer”, of the double patenting rejection, i.e., Claims 1-3, 8-10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, 4, 5, 7, 8, 10, 14, 15, 23, 25, 28, 32, 34, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 54, 56, 58, 60, 66, 68 and 69 of Multer et al, Fusionone Inc., U.S. Patent No. 6,694,336, is noted, as per the office action dated 8/24/2006.

Claim Rejections - 35 USC § 112

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Amended claim 27 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification of this application under examination in such a way as to reasonably convey to one skilled in the relevant art to use and/or make the invention.

5. The specification of this application under examination does not define “system data store”. Applicant is required to cancel the new matter in the reply to this Office Action.

6. Amended claim 27 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

Claim 27 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. A device such as server to retain/hold a personal information store, sending element and receiving element to transfer (and to provide to the device engine) digital media of the claimed invention, Utilizing of a copy of previous state of the digital media of the system data store to generate the output file”, and Usage of a network for the network devices for the transferring are critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Without having a device such as server network device mentioned in the specification to retain/hold a personal information store, the claimed system cannot be implemented to transfer media between a plurality of network coupled devices. (The personal

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information store is not claimed to be part of the processing device, but rather itself). Without having a sending element and a receiving element to transfer (and to provide to the device engine) digital media of the claimed invention, it is not possible to accomplish the claimed invention. Without utilizing of a copy of previous state of the digital media of the system data store, it is not possible to generate the output file. Without usage of a network the network devices cannot accomplish the transferring.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. Amended claims 27, 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 recites the limitations, “the digital media changed in the personal information store”. There is insufficient antecedent basis for this limitation in the claim (Please see MPEP 706.03(d)). It is “a personal information store containing digital media”.

Claim 27 recites the limitations “comparing change in a record in said personal information store to said system data store”, which fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not apparent how the “change in a record” can be compared with the system data store itself.

Claim 30 recites the limitations “the server includes at least a portion of the device engine”, which fails to particularly point out and distinctly claim the subject matter which

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applicant regards as the invention. It is contrary to “a processing device including a device engine”, due to the amendment to the claim 27, to which the claim 30 depends upon.

Note: Regarding the applicant's usage of “wherein” and/or in the claimed subject matter of the claims, the claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. Please see **Minton v. Nat 'l Ass 'n of Securities Dealers, Inc.**, 336 F.3d 1373, 1381, 67 USPQ2d 1614, 1620 (Fed. Cir. 2003)).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai et al., 7,039,656, Yodlee.com Inc., (Hereinafter Tsai-Yodlee) in view of Lipscomb et al., 7,020,704, Zapmedia Inc (Hereafter Lipscomb-Zapmedia).

10. Referring to claim 1, Tsai-Yodlee discloses a method for transferring data to a network coupled apparatus (synchronizing data between client and server, col., 3, lines 44 – 54, sending of difference information over the network, col., 4, lines 23 – 26, usage of device connected to the network, col., 4, lines 34 – 36, data-sync process, col., 4, line 65), comprising:

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(a) maintaining a personal information space (retaining of data sources for serving data that is held for use specific information including bank account information, securities trading information, e-mail, etc, col., 5, lines 53 – 64, support for personal digital assistant, col., 6, lines 26 – 31, personal information located on a network supported by companies like Yahoo, col., 1, lines 50 – 59, col., 14, lines 16 – 19, individual information, col., 7, lines 34 – 41, usage of repository for individual subscriber, col., 8, lines 3 – 9, which is similar to the personal information space of lines 14-18 at page 2 of the specification of the application under prosecution) identified with a user including data (user operating PDA for the data, col., 6, lines 32 – 35, user specific information using personal digital assistant, col., 1, lines 56 – 62, col., 12, lines 44 – 48, usage of internet capable appliances by a user, col., 8, lines 31 – 43), the personal information store being coupled to a network (the data sources connected to the network, col., 4, lines 23 – 26, col., 4, lines 34 – 36, col., 1, lines 51 - 59),

(b) obtaining (data gathering, col., 6, lines 55 – 61) difference information (comparing first table referencing data records of the client with second table referencing updates for new records, col., 3, lines 47-58, 65-67) comprising differences (new records that are not at the client, col., 4, lines 20 – 26, updated table, col., 3, lines 65 – 67, difference in the tables, col., 4, lines 20 – 26) between a representation of the data (second table referencing updates for new records not present at the client, col., 3, lines 47-58, 65-67) and a representation of a copy of the data from a prior point in time (a copy of the first table referencing data records of the client that that does not contain updates, col., 3, lines 47-58, 65-67, usage of time and date stamping for determining new data records compared to the old data records, col., 3, lines 14 - 19); and

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(c) transferring the difference information (sending new records that are not at the client, col., 4, lines 20 – 26, sending updated table, col., 3, lines 65 – 67, notification of difference in the tables to the client, col., 4, lines 20 – 26) from the personal information space (from data sources serving data, col., 5, lines 53 – 64, from personal information located on a network supported by companies like Yahoo, col., 1, lines 50 – 59, col., 14, lines 16 – 19, col., 7, lines 34 – 41) to the network coupled apparatus (client, col., 3, lines 44 – 54, over the network, col., 4, lines 23 – 26, device connected to the network, col., 4, lines 34 – 36, col., 4, line 65) in response to a user request (client request, col., 3, line 67 – col., 4, lines 6).

Note: Tsai-Yodlee also discloses usage of integrated services digital network (ISDN) line col., 6, line 10, usage of Internet col., 5, line 41, and usage of WAN, col., 5, line 45.

However, Tsai-Yodlee does not specifically mention about the data being media data.

Lipscomb-Zapmedia discloses a concept of using media data (usage of digital media assets col., 12, lines 45 - 61, usage of synchronization of information, sending of updates, users virtual account, col., 10, lines 8 – 40, usage of automatic synchronization of the contents, col., 13, lines 2 - 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tsai-Yodlee with the teachings of Lipscomb-Zapmedia in order to facilitate usage of the media data because the media data would provide support for representing audio information, video information or image information. The represented media data would be used for synchronization among devices over a network. The synchronized media data would be available for a user accessing a device over the network.

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11. Referring to claim 2, Tsai-Yodlee and Lipscomb-Zapmedia disclose the claimed limitations rejected above under claim 1. Tsai-Yodlee also discloses the step of, prior to step (a), receiving information into the personal information space (data gathering for a user, col., 6, lines 55 – 56, aggregating data gathered from Internet before being delivered to or being accessed by users, col., 8, lines 9 – 13).

12. Referring to claim 3, Tsai-Yodlee and Lipscomb-Zapmedia disclose the claimed limitations rejected above under claims 1 and 2. Tsai-Yodlee also discloses receiving data from a first network coupled apparatus (from Internet servers, col., 7, line 67 – col., 8, line 3), and said step (c) includes transferring said media data to a second network coupled apparatus. (individual subscriber, col., 8, lines 4 – 9, client, col., 3, lines 44 – 54).

13. Referring to claim 7, Tsai-Yodlee and Lipscomb-Zapmedia disclose the claimed limitations rejected above under claim 1. Tsai-Yodlee also discloses said step (a) comprises providing a storage server having a network connection (usage of Internet servers, col., 7, line 67 – col., 8, line 3, usage of file servers col., 7, lines 26 – 32, connected to the network, col., 4, lines 23 – 26), and code on the storage server interacting with the personal information store (usage of SSL connection, block 73 of figure 4, usage of software and software modules for communication, col., 15, lines 11 – 14).

14. Referring to claim 8, Tsai-Yodlee and Lipscomb-Zapmedia disclose the claimed limitations rejected above under claim 1. Tsai-Yodlee also discloses providing code on a

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network-coupled apparatus which receives said difference information (usage of internet capable appliances, col., 8, lines 31 – 43, software for downloading and/or handling transaction, col., 14, lines 2 – 5) and stores the difference information on the network-coupled apparatus (usage of memory of the internet appliance, col., 6, lines 15 – 19, col., 1, lines 44 – 48).

15. Referring to claim 9, Tsai-Yodlee and Lipscomb-Zapmedia disclose the claimed limitations rejected above under claim 1. Tsai-Yodlee also discloses said step of transferring comprises instantiating code (invoking of SSL connection, block 73 of figure 4, usage of software and software modules for communication, col., 15, lines 11 – 14) on a network-coupled server (at Internet servers, col., 7, line 67 – col., 8, line 3, at file servers col., 7, lines 26 – 32, connected to the network, col., 4, lines 23 – 26) storing said personal information space (retaining of data sources for serving data that is held for use specific information including bank account information, securities trading information, e-mail, etc, col., 5, lines 53 – 64, personal information located on a network supported by companies like Yahoo, col., 1, lines 50 – 59, col., 14, lines 16 – 19, individual information, col., 7, lines 34 – 41, usage of repository for individual subscriber, col., 8, lines 3 - 9) to output the difference information to the network-coupled apparatus (sending new records that are not at the client, col., 4, lines 20 – 26, sending updated table to the client, col., 3, lines 65 – 67, notification of difference in the tables to the client, col., 4, lines 20 – 26).

16. Referring to claim 10, Tsai-Yodlee and Lipscomb-Zapmedia disclose the claimed limitations rejected above under claim 1. Tsai-Yodlee also discloses said step of transferring

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comprises instantiating code (invoking the downloading of information and/or handling transaction, col., 14, lines 2 – 5) on the network-coupled apparatus (at internet capable appliances, col., 8, lines 31 – 43) to retrieve the difference information (to receive new records that are not at the client, col., 4, lines 20 – 26, receiving updated table, col., 3, lines 65 – 67, receiving notification of difference in the tables at the client, col., 4, lines 20 – 26).

17. Claims 4 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai-Yodlee in view of Lipscomb-Zapmedia and in further view of Ohlenbusch et al., 2002/0091785 (Hereinafter Ohlenbusch).

18. Referring to claim 38, Tsai-Yodlee and Lipscomb-Zapmedia disclose the claimed limitations rejected above under claim 1. Tsai-Yodlee also discloses that the network coupled apparatus is a computer (usage of client device, server device, col., 3, lines 44 – 54). However, Tsai-Yodlee and Lipscomb-Zapmedia do not specifically mention about the computer being an automotive computer.

Ohlenbusch discloses a well-known concept of using an automotive computer (usage of automotive computers, paragraphs 91 and 36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tsai-Yodlee and Lipscomb-Zapmedia with the teachings of Ohlenbusch in order to facilitate usage of the automotive computer because the automotive computer would provide support for processing data that is sent over the network. The automotive computer would support receiving the data and hence would support the transferring of data over the network.

19. Referring to claim 4, Tsai-Yodlee, Lipscomb-Zapmedia and Ohlenbusch disclose the claimed limitations rejected above under claims 1 and 38. Tsai-Yodlee also discloses the step of, following step (a), identifying the personal information store associated with the user by prompting a user login from the computer (usage of password and log-in requirement for the user to access her/her data from the PDA col., 6, lines 30 – 43, col., 9, lines 49 – 62, col., 13, lines 37 – 45) and retrieving login information input by the user (usage of more than one password and log-in requirement for the user, col., 6, lines 40 – 44).

20. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai-Yodlee in view of Lipscomb-Zapmedia and in further view of Parulski et al., 6,812,961, Eastman Kodak Company (Hereinafter Parulski-Eastman).

21. Referring to claim 6, Tsai-Yodlee and Lipscomb-Zapmedia disclose the claimed limitations rejected above under claim 1. Tsai-Yodlee also discloses usage of file servers (col., 7, lines 26 – 32). However, Tsai-Yodlee and Lipscomb-Zapmedia do not specifically mention about the directory of digital media files.

Parulski-Eastman discloses a well-known concept of using a directory of digital media files (usage of digital files of digital images stored in a directory, col., 2, line 51 – col., 3, line 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tsai-Yodlee and Lipscomb-Zapmedia with the teachings of Parulski-Eastman in order to facilitate usage of the directory of digital media files because the

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directory would provide information regarding the digital media files such as the name of the files that is contained in the directory. The directory would support organizing the media files and the directory information would be used for synchronization among devices over the network.

22. Claims 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arner et al., U. S. Publication 2001/0047393, Marbles Inc., (Hereinafter Arner-Marbles) in view of Tsai-Yodlee and "Official Notice".

23. Referring to claim 27, Arner-Marbles discloses a system (paragraph 41, page 6, paragraph 110, page 11) for transferring (usage of dynamically synchronizing, paragraph 42, page 6, transfer of data, paragraph 15, page 2, exchanging of streaming data with the client, paragraph 292, page 22) digital media (digital information, paragraph 48, page 7, graphical objects, paragraph 41, page 6, graphical image paragraph 19, page 2) between a plurality of network coupled devices (among plurality of servers and client, paragraph 45, page 6, communicating digital information over the network, paragraph 48, page 7), comprising:

an information store (usage of file store at a server, paragraph 134, page 13, usage of storage devices at the server, paragraph 102, page 9) containing digital media (digital information, paragraph 48, page 7, graphical objects, paragraph 41, page 6, graphical image paragraph 19, page 2) readable by an application program (usage of several programs used for communication, paragraph 128, col., 13, programs for client requests, paragraph 134, page 13); and a processing device associated with the information store (usage of node 182 of figure 5 at the server to exchange messages, paragraph 128, page 13, usage of communication device,

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paragraph 103, page 9, usage of node 7 of figure 5), the processing device including: a system data store (usage of node 182 of figure 5 at the server to exchange messages, paragraph 128, page 13, usage of communication device, paragraph 103, page 9, usage of node 7 of figure 5) holding a copy of a previous state of the digital media in the information store (usage of processor of the server for the transfer of data, paragraph 102, page 9, which is similar to the device engine of lines 10-16 at page 22 of the specification of the application under prosecution), and a device engine comparing at least one change in a record in said information store to said system data store (synchronizing data, col., 3, lines 44 – 54, sending of difference information over the network, col., 4, lines 23 – 26) and generating output wherein the output comprises at least one delta of the digital media changed in the information store relative to the copy of the digital media in the system data store (usage of decipher and encipher for encrypting and decrypting messages, paragraph 131, page 13, usage of logical grouping, paragraph 124, page 12, encoding of information for transmission, paragraph 303, page 22, col., 3, lines 44 – 54, PDA, paragraph 110, page 11, usage of application object, paragraph 123, page 12, usage of decipher and encipher for encrypting and decrypting messages, paragraph 131, page 13, usage of logical grouping, paragraph 124, page 12, encoding of information for transmission, paragraph 303, page 22, absolute or relative format, paragraph 255, page 20, translation of secure protocol messages using local protocol and outgoing protocol, paragraph 128, page 13, usage of direct communication, usage of stream cipher with a key, paragraph 131, page 13).

However, Arner-Marbles does not specifically mention about the information store being personal information store.

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Tsai-Yodlee discloses a concept of using a personal information store (data sources for serving data that is held for use specific information including bank account information, securities trading information, e-mail, etc, col., 5, lines 53 – 64, personal information located on a network supported by companies like Yahoo, col., 1, lines 50 – 59, col., 14, lines 16 – 19, individual information, col., 7, lines 34 – 41, usage of repository for individual subscriber, col., 8, lines 3 – 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Arner-Marbles with the teachings of Tsai-Yodlee in order to facilitate usage of the personal information store because the personal information store would provide support for storing, retaining and representing information that belong to a specific individual. The represented information for the specific individual would be used for synchronization among devices over a network. The synchronized information would be available for the specific individual accessing the device over the network.

Arner-Marbles and Tsai-Yodlee do not specifically mention about the usage of output file.

“Official Notice” is taken that both the concept and advantages of providing usage of output file is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include usage of output file with the teachings of Arner-Marbles and Tsai-Yodlee in order to facilitate using the output file because the file would support representing output data. The output data would be providing with the well-known concept of output file usage for

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retaining and presenting/providing the content of the output file for further use. The data of the output file would support conveying information to a utilizing entity.

24. Referring to claim 28, Arner-Marbles and Tsai-Yodlee disclose the claimed limitations rejected under claim 27. Arner-Marbles also discloses the information store is provided on a server (usage of file store at a server, paragraph 134, page 13, usage of storage devices at the server, paragraph 102, page 9).

25. Referring to claim 29, Arner-Marbles and Tsai-Yodlee disclose the claimed limitations rejected under claims 27 and 28. Arner-Marbles also discloses the server is coupled to the Internet (usage of Internet as a communications network, paragraph 111, page 12).

26. Referring to claim 30, Arner-Marbles and Tsai-Yodlee disclose the claimed limitations rejected under claims 27 and 28. Arner-Marbles also discloses the server includes the device engine (processor of the server for the transfer of data, paragraph 102, page 9, which is similar to the device engine of lines 10-16 at page 22 of the specification of the application under prosecution).

27. Referring to claim 31, Arner-Marbles and Tsai-Yodlee disclose the claimed limitations rejected under claim 27. Arner-Marbles also discloses the device engine is provided on a server which includes the information store (processor of the server, paragraph 102, page 9, and the file

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store at the same server, paragraph 134, page 13, usage of storage devices at the same server, paragraph 102, page 9).

28. Claims 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freishtat et al., 6,567,850, Yodlee Inc., (Hereinafter Freishtat-Yodlee) and “Official Notice”.

29. Referring to claim 27, Freishtat-Yodlee discloses a system for transferring digital media between a plurality of network coupled devices (e.g., col., 3, line 6 – 67), comprising: a personal information store containing digital media readable by an application program (e.g., col., 4, line 18 – 65); and a personal information store containing digital media readable by an application program (e.g., col., 4, line 18 – 65); and a processing device associated with the personal information store (e.g., col., 4, line 18 – 65); the processing device including: a system data store holding a copy of a previous state of the digital media in the personal information store (e.g., col., 5, line 1 – 65); and a device engine comparing at least one change in a record in said personal information store to said system data store and generating an output (e.g., col., 5, line 1 – 65), wherein the output comprises at least one delta of the digital media changed in the personal information store relative to the copy of the digital media in the system data store (e.g., col., 5, line 51 – col., 6, line 48).

Freishtat-Yodlee do not specifically mention about the usage of output file. “Official Notice” is taken that both the concept and advantages of providing usage of output file is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include usage of output file with the teachings of Freishtat-Yodlee in order to

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facilitate using the output file because the file would support representing output data. The output data would be providing with the well-known concept of output file usage for retaining and presenting/providing the content of the output file for further use. The data of the output file would support conveying information to a utilizing entity.

30. Referring to claim 28, Freishtat-Yodlee discloses the claimed limitations rejected under claim 27. Freishtat-Yodlee also discloses the information store is provided on a server (e.g., col., 5, line 51 – col., 6, line 48).

31. Referring to claim 29, Freishtat-Yodlee discloses the claimed limitations rejected under claims 27 and 28. Freishtat-Yodlee also discloses the server is coupled to the Internet (e.g., col., 4, line 18 – col., 6, line 67).

32. Referring to claim 30, Freishtat-Yodlee disclose the claimed limitations rejected under claims 27 and 28. Freishtat-Yodlee also discloses the server includes the device engine (e.g., col., 4, line 18 – col., 6, line 67).

33. Referring to claim 31, Freishtat-Yodlee disclose the claimed limitations rejected under claim 27. Freishtat-Yodlee also discloses the device engine is provided on a server which includes the information store (e.g., col., 4, line 18 – col., 6, line 67).

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34. Claims 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over and Arbo et al., 2004/0093342, Openwave systems, (Hereinafter Arbo-Openwave) in view of “Official Notice”.

35. Referring to claim 27, Arbo-Openwave discloses a system for transferring media between a plurality of network coupled devices (e.g., figure 1, paragraph 39), comprising: a personal information store containing media readable by an application program (e.g., figure 1, paragraph 40), and a personal information store containing media readable by an application program (e.g., figure 1, paragraph 41), and a processing device associated with the personal information store (e.g., figure 1, paragraph 41), the processing device including: a system data store holding a copy of a previous state of the media in the personal information store (e.g., figure 1, paragraph 42), and a device engine comparing at least one change in a record in said personal information store to said system data store and generating an output file (e.g., figure 1, paragraph 43), wherein the output file comprises at least one delta of the media changed in the personal information store relative to the copy of the media in the system data store (e.g., figure 1, paragraph 44).

Arbo-Openwave do not specifically mention about the usage of digital media data. “Official Notice” is taken that both the concept and advantages of providing usage of digital media data is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include usage of digital media data with the teachings of Arbo-Openwave in order to facilitate using the digital media data because the digital media data would support representing digital information. The digital information data would be used for providing with

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the well-known concept of digital information handling/delivery for further use. The digital data of the file would support conveying information to a utilizing entity.

36. Referring to claim 28, Arbo-Openwave discloses the claimed limitations rejected under claim 27. Arbo-Openwave also discloses the information store is provided on a server (e.g., paragraph 46).

37. Referring to claim 29, Arbo-Openwave discloses the claimed limitations rejected under claims 27 and 28. Arbo-Openwave also discloses the server is coupled to the Internet (e.g., paragraph 47).

38. Referring to claim 30, Arbo-Openwave disclose the claimed limitations rejected under claims 27 and 28. Arbo-Openwave also discloses the server includes the device engine (e.g., paragraph 46).

39. Referring to claim 31, Arbo-Openwave disclose the claimed limitations rejected under claim 27. Arbo-Openwave also discloses the device engine is provided on a server which includes the information store (e.g., paragraph 47).

Conclusion

The prior art made of record (PTO form 892 provided with the office actions) and not relied upon is considered pertinent to applicant's disclosure, for example, **Barrett et al., IBM, 6,549,933** also discloses the claimed subject matter of the claims, please see, abstract, col., 4, lines 33 – col., 5, line 23.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the

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claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

March 7, 2007



NATHAN J. FLYNN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800